



01-10-05

IFW

Docket No.: 03269/100M292-US3
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kenneth Newman et al.

Application No.: 10/725,246

Confirmation No.: 1944

Filed: December 1, 2003

Art Unit: 1614

For: METHOD OF TREATING ACUTE PAIN
WITH IBUPROFEN AND OXYCODONE

Examiner: Not Yet Assigned

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Supplemental Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

In accordance with 37 CFR 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Supplemental Information Disclosure statement shall not be construed to be an

admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

Submitted herewith are copies of the cited European patent publication and the International Search Report. It is submitted that the Supplemental Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed documents.

37 C.F.R. 1.98(a)(2) as amended on September 21, 2004 (69 Fed. Reg. 56482, 56542) no longer requires the submission of cited U.S. patents and U.S. patent application publications. Furthermore, pursuant to the September 21, 2004 notice entitled “Waiver of the Copy Requirement in 37 CFR 1.98 for Cited Pending U.S. Patent Applications”, copies of cited unpublished pending patent applications which are stored in the USPTO’s Image File Wrapper (IFW) system do not need be submitted. Accordingly, copies of the cited U.S. patents and published and unpublished patent applications are not submitted herewith.

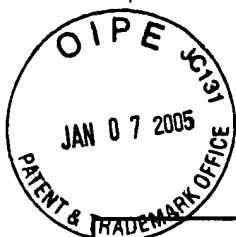
Applicants further submit that each item of information listed herein is being submitted prior to the mailing of the first Office Action on the merits and therefore, no additional fee is necessary. However, the Commissioner is authorized to charge any fee due with this submission up to \$300.00 to Deposit Account No. 04-0100.

Dated: January 7, 2005

Respectfully submitted,

By MSJ Reg No. 54,479 for
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PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet	1	of	1	Attorney Docket Number	03269/100M292-US3
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Complete if Known

Application Number	10/725,246
Filing Date	December 1, 2003
First Named Inventor	Kenneth Newman
Art Unit	1614
Examiner Name	Not Yet Assigned

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-4,464,376	11-02-1986	Sunshine, et al.	
	AB	US-2004/0121001-A1	06-24-2004	Oshlack, et al.	
	AC	US-2003/0232787-A1	12-18-2003	Dooley	
	AD	US-2003/0199439-A1	10-23-2003	Simon	
	AE	US Serial No. 10/925,783	08-23-2004	Newman, et al.	
	AF	US Serial No. 10/861,239	06-02-2004	Newman, et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	EP-0 068 838-A1	01-05-1983	The Upjohn Company		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	International Search Report received for PCT/US03/38088 to Forest Laboratories, Inc.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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(W:\03269\100m292us3\00311025.DOC [XXXXXXXXXXXXXXXXXXXX])

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Signature

Typed or printed name of person signing Certificate

Telephone Number

- Form PTO/SB/08/a (1 page)
- Supplemental Information Disclosure Statement (2 pages)
- Two documents (EP-0 068 838-A1 and Search Report)
- Return Receipt postcard (1)